THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10308 of 2006

09.6.2006

Between:

Sri Kaniganti Venkateshwara Babu, S/o.Late K.Reddamma Chowdary

And another

… Petitioners

AND

The Secretary to Government of Andhra Pradesh,

Revenue Department, Secretariat, Hyderabad

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10308 of 2006

ORDER:

The petitioners are statedly pattadars and owners of plot No.135 admeasuring 1,133 Sq.yards in survey No.5/3 of Raidurg village of Serilingampally Mandal in Ranga Reddy District. The petitioners purchased the land from Smt.V.Kamalamma and they have also paid substantial amount towards advance. It is alleged that they approached the fifth respondent for registration of the sale deeds and the fifth respondent refused to register the same on the ground that the third respondent informed them that an L.G.C. is pending regarding the property in question. Aggrieved by the same, present writ petition is filed.

Heard learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 35 and 72 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. The communication sent by any Revenue Official cannot be basis for rejection. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004 dated 01.9.2004.

Following the above, this writ petition is disposed of directing the fifth respondent or any other Registering Officer to accept the document presented by the petitioners

and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. No costs.

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(**V.V.S.RAO,J**)

June 09, 2006.

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